

**Washington State Department of Transportation**  
**Report to the Legislature**  
**Fish Passage Barrier Removal Grant Program**  
**RCW 75.50.165/ SSHB 2879, Section 16**

## **Background**

The *Fish Passage Barrier Removal Grant Program* was created by the 1998 Legislature through *Second Substitute House Bill 2879(SSHB 2879), Section 16* and was funded during fiscal year 1998 only. This program provided funding opportunities to local governments, tribes, conservation districts and non-governmental entities to identify and remove man-made barriers to salmonid migration.

## **Purpose**

The intent of *SSHB 2879 Fish Passage Barrier Removal Grant Program* is to:

- Promote barrier corrections through the direct involvement of citizens that live and work within watersheds.
- Enlist volunteer labor to stretch state dollars.
- Encourage "In-kind" matches.
- Fix as many high priority (high habitat gain) barriers in the summer of 1998 as possible.
- Identify and prioritize barriers for future correction.
- Develop a comprehensive statewide fish passage barrier database.
- Coordinate barrier corrections with other restoration efforts.
- Expand expertise for barrier design and inventory techniques to local governments, tribes and non-governmental entities.

Under cooperative agreement, WDFW & WSDOT evaluated the technical aspects of all project proposals and provide ongoing technical assistance to project sponsors. WSDOT provides all aspects of program administration including: the call for projects; contract management and oversight; invoice approval and payment; final project close out, etc.

Four types of projects were funded: 1998 Design and Construction, 1999 Design and Construction, 1999 Design Only and Field Survey and Data Analysis.

The 53 Grant Awards were distributed for:

- 1998 Design & Construction .....26
- 1999 Design & Construction .....09
- 1999 Design Only .....09
- Field Survey & Data Analysis .....09

## Progress to Date

To date, thirty-four projects have been completed restoring access to over 100 miles of spawning and rearing habitat.

Seventeen projects have received contract extensions through October 31, 2001 and two grant awards have been returned. Sponsors have received contract extensions on eleven construction projects that have encountered difficulties beyond their control. Six projects have been delayed in Clark County by the biological assessment consultation process required by the National Marine Fisheries Service. The City of Woodinville and the counties of Chelan, Cowlitz, Walla Walla and Island each have one project that had a change in scope requiring additional design work; Kitsap County has one project that was delayed by a storm that washed out the road.

**NOTE:** WSDOT and WDFW are making every effort to ensure the timely completion of these vital salmon restoration projects but further extensions may be necessary to comply with the HPA and ESA requirements.

All nine field survey and data analysis grant sponsors underestimated their tasks and have been granted extensions to complete their surveys. The sponsors will complete their work this winter while the underbrush and trees are bare. The final products will be delivered to WSDOT/WDFW by May 31, 2001.

One grant was returned by the City of Woodinville when WDFW biologists determined that the culvert was not a barrier to fish passage and one grant was returned by Clark County when they discovered that they did not own the culvert.

## Resources

Funding for this program was appropriated to WDFW through the 1998 Supplemental Capital Budget (SSB 6455). WDFW received \$5.75 million for fish passage correction; \$2.078 million was utilized by WDFW for high priority proprietary projects and \$3.672 million was transferred to WSDOT for administration and funding for the *Fish Passage Barrier Removal Grant Program*. WSDOT and WDFW entered into a cooperative agreement for program implementation through a Memorandum of Agreement.

The *Fish Passage Barrier Removal Grant Program* only received funding for one year, 1998. In 1999, the 56th legislature created the salmon recovery account and the Salmon Recovery Funding Board (SRFB) in an effort to coordinate all salmon recovery funding. Consequently, state salmon recovery funds are now appropriated to the salmon recovery account.

## Summary of Recommendations

There are approximately 170,000 miles of public and private roads in the state of Washington and fish passage barriers at stream crossings are ubiquitous. Over 100 years of road building, development, and hydrologic changes have resulted in an estimated 10,800 fish passage barriers that block approximately 13,700 miles of habitat for anadromous salmonids and 14,200 fish passage barriers that block thousands of additional miles of habitat for resident salmonids.

Scientists agree that restoring access to productive spawning and rearing habitat is essential to salmon recovery. These projects immediately benefit salmonids and are cost efficient, yielding a 4 to 1 return on investment. Yet some question the legal sufficiency of funding these projects with public funds. This issue is hindering fish passage barrier correction and in fact has slowed progress. Prior to the legal sufficiency question, WSDOT funded 35 barrier correction projects in 1998 and the IRT (Interagency Review Team) funded 34 in 1999<sup>1</sup>; the SRFB funded 15 barrier correction projects in 2000, less than half the rate of the two previous years.

The legislature created the SRFB in 2E2SSB 5595 to coordinate the state funding process for salmon recovery. The Governor vetoed section 22 of the bill because the legislature contradicted itself by specifically listing items the SRFB was to fund. Unfortunately this was the only section where fish passage correction projects were mentioned, leaving the SRFB without a clear directive to fund them. When the SRFB was questioned about why they funded projects that were legally mandated they asked for direction from the legislature. They received some clarification in 2000 with ESHB 2589, which stated that the SRFB “may” fund projects with a legal obligation “when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed”. While the language in ESHB 2589 seems to support barrier correction with SRFB funds, it does not mandate fish passage barrier correction and is therefore open to interpretation.

WDFW currently estimates that there are 25,000 barriers statewide, blocking over 13,700 miles of habitat. It is clear that restoring access to spawning and rearing habitat should be a priority but it is equally clear that habitat restoration and acquisition for preservation are the current priorities. In 1998 the legislature acted decisively and sent a clear message that fish passage barriers were a priority with SSHB 2879. To ensure that barrier correction remains a priority and is funded adequately, the legislature could:

- 1) Reaffirm their intent by sending a clear mandate to the SRFB to fund fish passage barriers.
- 2) Appropriate funds for the continuation of the SSHB 2879 Fish Passage Barrier Removal Program or similar type of grant program.

Contacts:

Cliff Hall, WSDOT, Environmental Affairs Office, 360-705-7499, [hallcli@wsdot.wa.gov](mailto:hallcli@wsdot.wa.gov)

Paul Sekulich, WDFW, SSHEAR, 360-302-2527, [SekulPTS@dfw.wa.gov](mailto:SekulPTS@dfw.wa.gov)

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<sup>1</sup> The IRT “Early Action” grant round was conducted during the formation of the SRFB and final approval was provided by the SRFB. It was during this “Early Action” grant round that the question of legal sufficiency was first raised.

**SSHB 2879 (RCW 75.50.165)**  
**1998 Annual Status Report**

<i><b>Sponsor</b></i>	<i><b>Project</b></i>	<i><b>Award</b></i>	<i><b>Invoiced To Date</b></i>	<i><b>Balance</b></i>	<i><b>Progress</b></i>
Adopt A Stream Foundation	Survey-WRIA 7,8	\$38,900	\$33,655	\$5,245	Extended
Chelan County	Chumstick Creek	\$2,400	\$2,400	\$0	Complete
Chelan County	Squilchuck Creek	\$45,000	\$8,984	\$36,016	Extended
City of Olympia	Mottman Road SW	\$26,719	\$26,719	\$0	Complete
City of Woodinville	NE 195th Street	\$2,250	\$0	\$2,250	Returned
City of Woodinville	NE 205th Street	\$1,500	\$1,500	\$0	Complete
Clallam County	Hoko-Ozette, MP 11.33	\$98,391	\$98,391	\$0	Complete
Clark County	Riley Creek/Finalburg Road	\$13,119	\$0	\$13,119	Extended
Clark County	Cedar Creek/Amboy Road	\$27,198	\$0	\$27,198	Extended
Clark County	John Creek/Cedar Creek Road	\$67,778	\$0	\$67,778	Extended
Clark County	Brickie Creek/Lucia Falls Road	\$24,746	\$0	\$24,746	Extended
Clark County	Lockwood Creek/Taylor Valley Road	\$30,644	\$0	\$30,644	Extended
Clark County	Dean Creek/NE 66th Place	\$53,334	\$0	\$0	** Grant Returned
Clark County	Winkler Creek/NE Borin Road	\$23,556	\$0	\$23,556	Extended
Clark County	Coyote Creek/Washougal River	\$21,445	\$0	\$21,445	Extended
Clark County Conservation District	Survey-WRIA 27	\$55,308	\$55,308	\$0	Complete
Colville Confederated Tribes	Camp Seven Creek	\$23,988	\$23,988	\$0	Complete
Cowlitz Conservation District	Survey-WRIA 25,26,27	\$87,250	\$48,099	\$39,151	Extended
Cowlitz Conservation District	Monahan Creek	\$200,000	\$0	\$200,000	Extended
Grays Harbor County Conservation District	Survey-WRIA 22	\$118,924	\$118,924	\$0	Complete
Island County	Glendale Creek	\$18,900	\$0	\$18,900	Extended
Jefferson County	Hoh River Tributary	\$270,000	\$270,000	\$0	Complete
Jefferson County	Barnhouse Creek	\$118,380	\$118,380	\$0	Complete
Jefferson County	E. Fork Tarboo Creek #2	\$6,000	\$6,000	\$0	Complete
Jefferson County	East Fork Tarboo Creek	\$16,500	\$16,500	\$0	Complete
King Co.	Evans Creek	\$60,500	\$60,500	\$0	Complete
Kitsap County	Little Bear Creek	\$92,025	\$32,327	\$59,698	Complete
Kitsap County	Big Scandia Creek/NW Scandia Road	\$132,195	\$132,195	\$0	Complete
Kitsap County	Big Scandia Creek Fishway/Viking Way NW	\$62,250	\$0	\$62,250	Extended
Klickitat County	Turkey Ranch Road	\$60,000	\$60,000	\$0	Complete
Klickitat County	Soda Springs Road	\$52,500	\$52,500	\$0	Complete
Lewis County	Survey-WRIA 11,13,23,26	\$183,607	\$9,848	\$173,759	Extended
Lewis County	Spencer Road/Jones Creek	\$146,711	\$146,711	\$0	Complete
Lewis County	Toledo-Salmon Creek Rd/Little Salmon Creek	\$104,364	\$104,364	\$0	Complete
Lewis County	Lost Valley Road/Lost Creek	\$238,703	\$238,703	\$0	Complete
Mason County	White Creek Crossing	\$75,000	\$75,000	\$0	Complete
Mason County Conservation District	Huson Creek	\$66,589	\$51,361	\$15,228	Extended
Mason County Conservation District	Little Tahuya Creek	\$90,000	\$90,000	\$0	Complete
Mason County Conservation District	Ludvick Lake	\$59,570	\$59,570	\$0	Complete

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Mason County Conservation District	Oak Lake Creek	\$99,226	\$99,226	\$0	Complete
Pierce County	East Fork Rocky Creek Bridge	\$40,000	\$39,625	\$0	Complete
Pierce County Conservation District	Survey-WRIA 10	\$129,715	\$116,462	\$13,253	Extended
Skagit County	Lornezan Creek	\$20,000	\$20,000	\$0	Complete
Skagit County	Parsons Creek	\$30,000	\$30,000	\$0	Complete
Skagit Systems Cooperative	Survey-WRIA 3,4	\$45,244	\$45,244	\$0	Complete
Snohomish County	Trib 30/229th St. NW	\$54,150	\$51,806	\$0	Complete
South Puget Sound Salmon Enhancement	Deschutes River "Oxbow"	\$50,000	\$50,000	\$0	Complete
Thurston County	#3161 Vantine Road SE	\$1,500	\$1,500	\$0	Complete
Thurston County	#1296 Houston Drive	\$5,250	\$5,250	\$0	Complete
Walla Walla County Conservation District	Walla Walla River	\$46,500	\$30,619	\$15,881	Extended
Washington Department of Natural Resources	Outlet Creek	\$50,288	\$44,561	\$0	Complete
Washington Trout	FS9819-WRIA 7	\$44,850	\$44,850	\$0	Complete
Washington Trout	FS9820-WRIA 7	\$72,051	\$72,051	\$0	Complete
	<b>TOTALS</b>	<b>\$3,505,018</b>	<b>\$2,593,121</b>	<b>\$850,117</b>	
* Grant Returned-WDFW Biologists determined that these culverts were fish passable.					
** Grant Returned-Clark Co. discovered they did not own this barrier.					